THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22443 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the second respondent bearing Ref.C.1937/06 dated 26.10.2006 as arbitrary and illegal and consequently direct the respondents to continue the petitioner as fair price shop dealer of Shop No.20 of Marripaka village, Jaggampeta mandal, East Godavari district.

It appears, petitioner is the authorized fair price shop dealer of Marripaka village, Jaggampeta mandal, East Godavari district. While so, her authorization was suspended and proceedings under Section 6-A of the Essential Commodities Act were initiated against her. However, the said proceedings under Section 6-A of the Act were concluded by the first respondent-Joint Collector vide order dated 7.10.2006 by imposing a fine of Rs.6,000/- being the value of the goods seized and directed to restore the authorization of the petitioner. Pursuant to the said order, second respondent passed order dated 13.10.2006 restoring the shop in favour of the petitioner. On 16.10.2006, the shop was handed over to the petitioner. It seems, till 26.10.2006, no stocks were allotted to the petitioner, but however, on the basis of the report purported to have been submitted by the Mandal Supply Officer dated 23.10.2006, the authorization of the petitioner was again suspended on the ground that the petitioner has committed certain irregularities.

This appears to be something illogical. The petitioner's authorization was under suspension from 20.11.2004 till 13.10.2006, therefore the question of Mandal Supply Officer complaining that the petitioner has committed certain irregularities does not arise. Even the impugned order does not indicate that the petitioner has committed certain irregularities. In fact, no allegations were referred to and it is

simply stated that the Mandal Supply Officer, Jaggampeta has enquired and reported that the fair price shop dealer has committed certain irregularities.

Under those circumstances, I am of the opinion that the impugned order passed by the second respondent dated 26.10.2006 is not only arbitrary and illegal, but also vindictive, therefore, the same is liable to be set aside.

In the result, the writ petition is allowed and the impugned order dated 26.10.2006 passed by the second respondent is set aside. However, this will not preclude the respondents from conducting enquiry, if necessary, on the basis of the report purported to have been submitted by the Mandal Supply Officer, Jaggampeta on 23.10.2006. No order as to costs.

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C.V.RAMULU, J

Date: 8.12.2006

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W.P.No.22443 of 2006

8.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22443 of 2006

Date: 8th December, 2006

Between:

Mrs.T.Venkataratnam

.. Petitioner

And

The Joint Collector (Civil Supplies),
East Godavari district, Kakinada
and others.

.. Respondents